

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
555 Mission Street
San Francisco, CA 94105-0921
Tel 415.393.8200
www.gibsondunn.com

Kristin A. Linsley
Direct: +1 415.393.8395
Fax: +1 415.374.8471
KLinsley@gibsondunn.com

November 21, 2018

VIA ECF

The Honorable Vince Chhabria
United States District Judge
450 Golden Gate Avenue
San Francisco, CA 94102
Courtroom 4, 17th Floor

Re: *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*

Dear Judge Chhabria:

We represent Facebook, Inc. in the above-captioned MDL, as well as in a separate, later-filed action in California state court, *Ballejos et al. v. Facebook, Inc.*, Case No. 3:18-CV-03607 (San Mateo County), currently pending before the Honorable Gerald J. Buchwald. On July 11, 2018, Facebook moved to stay the *Ballejos* action pending resolution of this MDL, on the grounds that (1) the state law claims in *Ballejos* are identical to those asserted in the MDL and addressed in Facebook's pending motion to dismiss; (2) the *Ballejos* plaintiffs are members of the putative class in the MDL; and (3) under these circumstances, California state law warrants a stay of the later-filed state court action. *See generally Thomson v. Cont'l Ins. Co.*, 66 Cal. 2d 738, 747 (1967).

The purpose of this letter is to advise the Court that, at the November 16 hearing on Facebook's stay motion in *Ballejos*, Judge Buchwald advised the parties that he intends to contact this Court to discuss these state law claims. In particular, Judge Buchwald indicated that, in his view, it might be appropriate for this Court to abstain from deciding the state court claims asserted in the MDL so that those claims may be adjudicated in the first instance in *Ballejos*. Although Facebook strongly disagrees with this suggestion, as we made clear to Judge Buchwald at the November 16 hearing, we wanted to alert this Court to the issue.

For the Court's convenience, we have attached copies of the parties' briefing on the *Ballejos* stay motion. Judge Buchwald also has authorized the parties to submit supplemental briefing on the stay issues by December 6. We would be happy to provide those materials to the Court at that time.

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By copy of this letter, we are advising lead counsel in the MDL action of these developments in case they wish to be heard on the subject. In order that both Courts are fully informed of these developments, we also have copied Judge Buchwald on this letter.

Respectfully,

/s/ Kristin A. Linsley
Kristin A. Linsley

cc: Hon. Gerald J. Buchwald (w/o attachments)
Gwendolyn R. Giblin (Counsel for Ballejos, et al.) (w/o attachments)
Lesley E. Weaver (Co-Lead Counsel)
Derek W. Loeser (Co-Lead Counsel)